

## **REMARKS**

### **1. Summary of Office Action**

In the Office Action mailed April 13, 2007, the Examiner rejected claims 1, 2, 6, and 8 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,917,587 (Sarkar). Further, the Examiner rejected claims 4, 5, 7, 9-10, and 12-15 under 35 U.S.C. § 103(a) as being allegedly obvious over a combination of Sarkar and U.S. Patent No. 7,072,941 (Griffin). In addition, the Examiner rejected claims 3 and 11 under 35 U.S.C. § 103(a) as being allegedly obvious over a combination of Sarkar, Griffin, and U.S. Patent No. 6,128,298 (Wooton). And finally, the Examiner rejected claim 16 under 35 U.S.C. § 103(a) as being allegedly obvious over a combination of Sarkar, Griffin, and U.S. Patent No. 5,884,196 (Lekven).

### **2. Status of the Claims**

Presently pending are claims 1-16, of which claims 1, 8, 9, and 12 are independent and the remaining are dependent.

Each of Applicant's independent claims recites in one way or another, a method of sending a keepalive signal in response to detecting that a wireless communication device has neither sent nor received packet-based real-time media for a threshold period of time.

For instance, independent claim 1 recites, "detecting that a wireless communication device has neither sent nor received packet-based real-time media for a threshold period of time; and responsively sending from the wireless communication device into a radio access network at least one keepalive signal."

Similarly, independent claim 8 recites, "means for detecting that the cellular mobile station has neither sent nor received packet-based real-time media for a threshold period of time;

and means for responsively sending from the cellular mobile station into a radio access network at least one keepalive signal.”

In the same way, independent claim 9 recites “wherein the processor is programmed to make a determination that the cellular mobile station has neither send nor received real-time media for a threshold period of time, and wherein the processor is programmed to respond to the determination by sending at least one keepalive signal via the wireless communication interface into a radio access network.”

Likewise, independent claim 12 recites the “mobile station is arranged (i) to detect that no packet-based real-time media has been communicated to or from the mobile station for a threshold period of time that is less than the predefined period of time, and (ii) to responsively transmit packet-data as a keepalive signal over the air interface.”

### **3. Response to Examiner’s Rejections**

As noted above, the Examiner rejected independent claims 1 and 8 under 35 U.S.C. § 102(e) as being allegedly anticipated by Sarkar. Further, the Examiner the rejected independent claims 9 and 12 under 35 U.S.C. § 103(a) as being allegedly obvious over a combination of Sarkar and Griffin. Applicant respectfully traverses the Examiner’s rejections, as set forth below.

#### **a. Claims 1-8**

Of these claims, claims 1 and 8 are independent. As noted above, the Examiner rejected independent claims 1 and 8 under 35 U.S.C. § 102(e) as being allegedly anticipated by Sarkar. Applicant has reviewed Sarkar and submits that this rejection is improper and should be withdrawn because Sarkar does not disclose each and every element recited in Applicant’s independent claims, as would be required to support an anticipation rejection under M.P.E.P. §

2131. In particular, Sarkar does not disclose a method of sending a keepalive signal in response to detecting that a wireless communication device has neither sent nor received packet-based real-time media for a threshold period of time, as recited in claim 1 (and similarly in claim 8).

On page 2 of the Office Action, the Examiner asserted that Sarkar's silent insertion description (SID) amounts to Applicant's claimed keepalive signal. To support this assertion the Examiner cited to Sarkar's column 7, lines 60-65 and parenthetically inserted "the examiner views the silent insertion descriptor (SID) packet as a keep alive signal." See Office Action at page 2. Applicant submits that even if one were to assume for the sake of argument that Sarkar's SID amounts to Applicant's claimed keepalive signal (which Applicant does not concede), Sarkar fails to teach a method of sending the SID *in response* to detecting that a wireless communication *device* has neither sent nor received packet-based real-time media for a threshold period of time.

At best, Sarkar teaches a method of sending the SID in response to detecting that *a user* is quiet at an endpoint. For instance, Sarkar teaches that a "VAD [(Voice Activity Detection)] detects period of silence *when a user at the endpoint of media stream is quiet*". See Sarkar at column 7, lines 58-61. (Emphasis added.) And according to Sarkar, "[w]hen VAD detects a sufficiently long period of silence, a silence insertion descriptor (SID) packet is sent to call resource 12 to indicate that no RTP packets will be transmitted from device 16 *because a user* at an endpoint of the media stream is silent." *Id.* at column 7, lines 61-65. (Emphasis added.)

Applicant, however, finds no teaching that Sarkar's SID is sent in response to detecting that the wireless communication device has neither (i) sent nor (ii) received packet-based real-time media for a threshold period of time. At best, Sarkar teaches the SID is sent in response to detecting that a user has been quiet.

Applicant submits that just because a user has been quiet does not mean that the user's endpoint has neither sent nor received packet-based real time media. Sarkar's endpoint may very well have been receiving voice in the form of data packets from another device (via call resource 12) at the time the user of the endpoint was silent. Applicant finds no discussion in Sarkar of detecting that a wireless communication *device* has *neither sent nor received* packet based real time media for a threshold period of time and *responsively* sending a keepalive signal.

Because the Examiner has not established that Sarkar teaches a method of sending a keepalive signal *in response* to detecting that a wireless communication *device* has *neither sent nor received* packet-based real-time media for a threshold period of time, Applicant submits that the Examiner has not established anticipation of Applicant's independent claims 1 and 8. Thus, Applicant submits that claims 1 and 8 are allowable. Each of dependent claims 2-7 depends from, and thus incorporates all of the limitations of, an allowable independent claim. Thus, Applicant submits that claims 2-7 are allowable for at least the reason that they are dependent on an allowable claim.

**b. Claims 9-16**

Of these claims, claims 9 and 12 are independent. As noted above, the Examiner rejected independent claims 9 and 12 under 35 U.S.C. § 103(a) as being allegedly obvious over a combination of Sarkar and Griffin. Under M.P.E.P. § 2143, in order to establish a *prima facie* case of obviousness of a claim over a combination of references, the Examiner must establish that the combination discloses or suggests every element recited in the claim. In particular, the Examiner has not established that the combination of Sarkar and Griffin teaches a method of sending a keepalive signal in response to detecting that the wireless communication device has neither sent nor received packet-based real-time media for a threshold period of time.

As explained above for claims 1 and 8, Sarkar fails to teach a method of sending a keepalive signal in response to detecting that *a wireless communication device* has neither sent nor received packet-based real-time media for a threshold period of time. Thus, the issue that remains now is whether Griffin makes up for the deficiencies in Sarkar.

When rejecting independent claims 9 and 12, the Examiner relied on column 4, lines 1-20, column 5, lines 23-26, and column 5, lines 3-26 in Griffin. Applicant has reviewed Griffin and finds no discussion in these portions of Griffin of Applicant's claimed method of sending a keepalive signal in response to detecting that *a wireless communication device* has neither sent nor received packet-based real-time media for a threshold period of time.

For at least this reason, Applicant submits the Examiner has failed to establish that the combination of Sarkar and Griffin teaches a method sending a keepalive signal in response to detecting that *a wireless communication device* has neither sent nor received packet-based real-time media for a threshold period of time. Because the combination of Sarkar and Griffin fails to disclose or suggest all of the elements of each of independent claims 9 and 12, a *prima facie* case of obviousness of each of independent claims 9 and 12 has not been made. Therefore, each of independent claims 9 and 12 is allowable. Each of dependent claims 10, 11, and 13-16 depends from, and thus incorporates all of the limitations of, an allowable independent claim. Thus, Applicant submits that claims 10, 11, and 13-16 are allowable for at least the reason that they are dependent on an allowable claim.

#### **4. Conclusion**

In view of the foregoing, Applicants submit that claims 1-16 are allowable, and thus Applicants respectfully request favorable reconsideration and allowance of these claims. Should

the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-3351.

**5. Payment of Fees**

Applicant believes that no fee is required at this time. However, please charge any underpayment or credit any overpayment to Deposit Account No. 210765.

Respectfully submitted,

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